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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-078

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. WGC 61.085 (1), the introductory paragraph should be par. (a) and par. (a) should be numbered par. (b).

b. The last two sentences of s. WGC 61.085 (1) (h) are substantive and should not be included in a definition.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. WGC 61.08 (11) (c), “WGC61.04(1)(d)” should be written as “s. WGC 61.04 (1) (d).” This comment also applies to sub. (21) (c) and s. WGC 61.085 (2) (e), (3) (a), (8) and (9).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The heading at the beginning of the rule, “PROPOSED ORDER OF THE DEPARTMENT OF REVENUE RENUMBERING, AMENDING AND CREATING” appears to be incomplete.

b. The analysis of the rule is not effective in advising the reader as to the substantive content of the rule. It would be helpful to include an explanation of the order’s requirement that

a retailer sell \$400 worth of tickets instead of 500 tickets and a brief description of the retailer performance program.

c. In s. WGC 61.02 (8) (intro.), “either” could be replaced with “any” to accommodate the possibility of additional paragraphs in the future.

d. In s. WGC 61.04 (1) (d) and in subsequent provisions, the term “administrator” is used; however, “administrator” is not defined. Also, should the definition of “executive director” in current s. WGC 61.02 (2) be repealed?

e. In s. WGC 61.085 (1), “or ‘RPP’” should be deleted or should be replaced with “or RPP.” Also, “department” is used in the subsection but is not defined at the beginning of the chapter. “[D]epartment” should be replaced with “department of revenue” or should be defined.

f. In s. WGC 61.085 (1) (a), “January 1st” should be replaced with “January 1.” Also, the date in that paragraph has already passed. Is it intended that the section apply retroactively?

g. Section WGC 61.085 (2) (c) defines “gross sales.” However, it appears that the term is not used in the section and the definition should therefore be deleted.

h. In the first line of s. WGC 61.085 (2) (f) and (h), “incentives” should replace “incentive.”

i. In s. WGC 61.085 (3) (intro.), “provided” should be replaced with “if.”

j. Section WGC 61.085 (3) (a) to (c) should be written in the present tense. For example, par. (a) should read: “The retailer honors the current retailer contract, including any applicable addenda, and sells a minimum amount of instant tickets as indicated under WGC 61.08 (11) (c).”

k. In s. WGC 61.085 (3) (b), what is a “not-for-profit” organization? How does it differ from a “nonprofit” organization?

l. In s. WGC 61.085 (4) (a) (intro.), “as stated” should be deleted. This comment also applies to sub. (b) (intro.).

m. In s. WGC 61.085 (4) (b) (intro.), “three” should be replaced with “3.”

n. In s. WGC 61.085 (4) (b) 1., the third and fourth sentences should be rewritten to read: “If a sales increase has occurred, the retailer shall receive 10% of the sales increase unless the administrator adjusts the payment percentage to a lower percentage under sub. (7) to ensure that appropriate funding authority is maintained within the current fiscal year.” This comment also applies to subds. 2. and 3.

Also in those subdivisions, the last sentence should indicate that information must be made available upon request to the administrator.

o. In the note to s. WGC 61.085 (4) (b), both instances of “June 30th” should be replaced with “June 30.”

p. In the title of s. WGC 61.085 (4) (c) (intro.), a hyphen should be inserted between “*Short*” and “*term*.”

q. In s. WGC 61.085 (4) (c) 6., should “, where” be replaced with “and that”? The sentence is confusing. Also, “payments” should replace “payment.”

r. In s. WGC 61.085 (5) (b) 2., “as defined under sub. (2) (d)” could be deleted as it seems to be superfluous. This comment also applies to subd. 3. and subs. (4) (b) (intro.) and (c) (intro.) and (9).

s. In s. WGC 61.085 (7), “no less often than” should be replaced with “at least.”

t. In s. WGC 61.085 (8), “the” should be inserted before “RPP.”